

Serial No: 10/563,385  
Art Unit: 2617

PU030023  
Customer No. 24498

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Remarks/Arguments

The Office Action mailed September 4, 2008 has been reviewed and carefully considered.

Claims 1-12 remain pending in this application.

Reconsideration of the above-identified application in view of the following remarks is respectfully requested.

Claims 1-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Published Patent Application No. 2003/0013452 A1 to Hunt et al. (hereinafter "Hunt") in view of U.S. Published Patent Application No. 2003/0195178 A1 to Chitrapu et al.

It is respectfully asserted herein that Claim 1, and all of the claims that depend there from, are patentable and non-obvious over the cited references for following reasons.

As previously discussed and agreed to by the Examiner, "Hunt ... fails to explicitly disclose that the micro cell and the one macro cell are directly communicating..." (Office Action, p. 5).

Chitrapu et al. has been cited for disclosing that "...the micro cell and the one macro cell are directly communicating in response to access of the micro cell by the mobile communications device (paragraphs 74, 80, read as the C-plane server is directly connected to the RIP GW, which allows the sharing of resources for control signal processing in case such as the UE would access the RAN IP when moving outside of the RLAN)."

Applicant's review of paragraphs 74 and 80 of Chitrapu et al. and the corresponding Figures fails to disclose or suggest the combination of the first, second and third wireless channels. In fact, Chitrapu et al. does not discuss such scenario at all, it merely refers to handoffs in or out of the illustrated Node B, and how the RAN uses a direct Internet connection, rather than a macro cell wireless link to a UE as claimed.

Chitrapu et al., shows and describes the UE communicating only with Node B. In each instance Node B is part of an RLAN containing a radio network controller (RNC) and an RAN IP Gateway. For each RLAN/RAN there is communications with the UE via common Node B, which may be considered the micro cell communications link. The Office Action has clearly characterized RAN as being analogous to applicants WAN. However, the RAN is a Radio Access Network that serves as an IP gateway to provide connectivity for the RLAN to the

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internet, it is not a macro cell for communication with a UE. As stated on paragraph 0066 of Chitrapu et al:

“Preferably the RAN IP Gateway employs a standard GI interface with the Internet and can be utilized as a stand-alone system without any association with a Core Network of a UMTS. However, in order to support mobility management with roaming and hand-over services available for subscriber UEs of the RLAN, and AAA function connection with the Core Network, such as by way of the various alternatives illustrated in FIGS. 7, 8 and 9 is desirable.”.

As shown in FIGS. 7, 8 and 9 of Chitrapu et al, the RAN IP Gateway is part of the RLAN, and wireless communication is achieved with UE through the common Node B. The RAN does not separately communicate wirelessly with UE, and therefore does not meet the limitations of a macro cell. More particularly, the cited RAN is not a macro cell for communicating both voice and data with a mobile communications device, as recited in the preamble of claim 1. In order to properly interpret applicant's communicating step via a third wireless channel, there must already be a macro cell communicating with a mobile device across a first wireless link, and a micro cell communicating across a second wireless link. The communicating step of claim 1 then forms the third leg of the triangle by directly forwarding signaling information via a third wireless channel between the micro and macro cell which are both already in communication with the mobile device. Reconsideration and withdrawal of the rejection of claim 1 is respectfully requested.

As a corollary, applicants claim 6 recites at least one macro cell for communication both voice and data with a mobile communications device across a first wireless link. The Chitrapu reference shows the RAN and RLAN communicating in only a single wireless link via the common Node B. Accordingly, the combined references do not teach direct wireless communications between a micro cell and a macro cell, where the micro cell and the macro cell are already independently communicating with the mobile device across their own first and second wireless links, respectively. The applicant respectfully asserts that the preceding limitations are also not disclosed by either Hunt and/or Chitrapu et al., either taken singly or in combination, and that Claim 6 is patentably distinct over the cited references for at least the same reasons as set forth above with respect to independent claim 1.

With respect to claim 6 and the combined references, assuming *arguendo*, that Hunt's FIG. 2 shows:

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a micro cell 106 with a first wireless link 214; and

a macro cell 102 with a second wireless link 212.

The secondary reference must then provide some suggestion to combine these first two wireless links with a third wireless link that originates from access of the micro cell by the mobile communications device, as claimed. That is, the mobile communications device uses the second link to prompt the micro cell to directly communicate signaling information to the macro cell, in a system where the mobile communications device already has a first link with the macro cell. The Chitrapu handover scenario mentioned in the office action, teaches a link with one micro cell that is transferred to a second micro cell, as directed by the purported macro cell RAN IP gateway. Therefore, Chitrapu's handover is not analogous the claimed system or Hunt network, because it lacks the first and second links to the macro and micro cell, respectively. Claims 5 and 11 specifically recite that the system enables the mobile communications device to communicate with the macro cell and the micro cell simultaneously, whereas Chitrapu is teaching one micro cell communication, followed by another different micro cell communication, following the handoff. Finally, Chitrapu paragraph 74 describes the UE moving outside the RLAN service region, where it would be impossible for the UE to communicate with the micro cell in order to originate the third wireless channel communication. In addition, such movement is completely contrary to the claimed controlling step, because such step requires continued operation of the micro cell, and Chitrapu's UE has just moved out of its range. Applicant respectfully submits that Chitrapu is non-analogous art, and fails to suggest a system with three simultaneous wireless channels as claimed in at least claims 6, 11 and 5.

Claims 2-5 depend from Claim 1 and, thus, includes all the elements of Claim 1. Claims 7-12 depend from Claim 6 or a claim which itself is dependent from Claim 6 and, thus, includes all the elements of Claim 6. Accordingly, Claims 2-5 and 7-12 are patentably distinct and non-obvious over the cited reference for at least the reasons set forth above with respect to Claims 1 and 6, respectively.

## Conclusion

In view of the foregoing amendments to the claims and the accompany remarks, applicants solicit entry of this amendment and allowance of the claims. If, however, the Examiner believes

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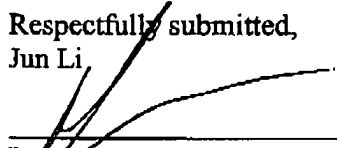
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such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6820, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fees are believed due with regard to this Amendment. Please charge and fee or credit any overpayment to Deposit Account No. 07-0832.

Respectfully submitted,  
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